

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

MEDTRONIC, INC., MEDTRONIC USA, INC.,
AND 3F THERAPEUTICS, INC.

Plaintiff,

v.

EDWARDS LIFESCIENCES CORPORATION,
EDWARDS LIFESCIENCES LLC, AND
EDWARDS LIFESCIENCES (U.S.) INC.

Defendants.

C.A. No. 11-1650 SRN/JSM
JURY TRIAL DEMAND

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiffs Medtronic, Inc., Medtronic USA, Inc., and 3F Therapeutics, Inc.
(collectively "Medtronic") for their Complaint against Defendants, hereby alleges as
follows:

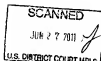
NATURE OF THE ACTION

1. This is an action for infringement by Defendants of four United States
patents owned by Medtronic, Inc.

THE PARTIES

2. Plaintiff Medtronic, Inc. is a corporation organized and existing under the
laws of Minnesota with its principal place of business in Minneapolis, Minnesota.

3. Plaintiff Medtronic USA, Inc. is a corporation organized and existing
under the laws of Minnesota with its principal place of business in Minneapolis,
Minnesota.



4. Plaintiff 3F Therapeutics, Inc. is a corporation organized and existing under the laws of Delaware with its principal place of business in Lake Forest, California.

5. Upon information and belief, Defendant Edward Lifesciences Corporation is a corporation organized and existing under the laws of Delaware with its principal place of business in Irvine, California.

6. Upon information and belief, Edwards Lifesciences LLC is a wholly owned subsidiary of Edwards Lifesciences Corporation that is organized under the laws of Delaware with its principal place of business in Irvine, California.

7. Upon information and belief, Edwards Lifesciences (U.S.) Inc. is a wholly-owned subsidiary of Edwards Lifesciences Corporation that is organized under the laws of Delaware with its principal place of business in Irvine, California. Edwards Lifesciences Corporation, Edwards Lifesciences LLC and Edwards Lifesciences (U.S.) Inc. are collectively hereinafter referred to as "Edwards."

JURISDICTION AND VENUE

8. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1331 and §1338(a) in that this action arises under the patent laws of the United States.

9. This Court has personal jurisdiction over Defendants because, upon information and belief, Defendants have committed and continue to commit acts of patent infringement within the District of Minnesota.

10. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 (c) and 1400(b).

BACKGROUND TO THE ACTION

11. Plaintiff Medtronic, Inc. is the lawful owner of United States Patent No. 7,468,073 (the "'073 Patent"), which was duly and legally issued by the United States Patent and Trademark Office on December 23, 2008. The '073 Patent is entitled "Heart Valve System." A copy of the '073 Patent is attached hereto as Exhibit 1.

12. As the lawful owner of the '073 Patent, Medtronic owns all rights, title and interests in the '073 Patent.

13. Medtronic has the exclusive right under the patent laws of the United States to exclude others from making, using, offering for sale, selling, or importing its patented invention, including the right to bring this action for injunctive relief, an accounting and damages.

14. Plaintiff Medtronic, Inc. is the lawful owner of United States Patent No. 7,503,929 (the "'929 Patent"), which was duly and legally issued by the United States Patent and Trademark Office on March 17, 2009. The '929 Patent is entitled "Prosthetic Heart Valve System." A copy of the '929 Patent is attached hereto as Exhibit 2.

15. As the lawful owner of the '929 Patent, Medtronic owns all rights, title and interests in the '929 Patent.

16. Medtronic has the exclusive right under the patent laws of the United States to exclude others from making, using, offering for sale, selling, or importing its patented invention, including the right to bring this action for injunctive relief, an accounting and damages.

17. Plaintiff Medtronic, Inc. is the lawful owner of United States Patent No. 6,004,330 (the "'330 Patent"), which was duly and legally issued by the United States Patent and Trademark Office on December 21, 1999. The '330 Patent is entitled "Device

or Apparatus for Manipulating Matter." A copy of the '330 Patent is attached hereto as Exhibit 3.

18. As the lawful owner of the '330 Patent, Medtronic owns all rights, title and interests in the '330 Patent.

19. Medtronic has the exclusive right under the patent laws of the United States to exclude others from making, using, offering for sale, selling, or importing its patented invention, including the right to bring this action for injunctive relief, an accounting and damages.

20. Plaintiff Medtronic, Inc. is the lawful owner of United States Patent No. RE42,395 ("395 Patent") which was duly and legally issued by the United States Patent and Trademark Office on May 24, 2011. The '395 Patent is entitled "Valve Holder for Tricuspid Heart Valve." A copy of the '395 Patent is attached hereto as Exhibit 4.

21. As the lawful owner of the '395 Patent, Medtronic owns all rights, title and interests in the '395 Patent.

22. Medtronic has the exclusive right under the patent laws of the United States to exclude others from making, using, offering for sale, selling, or importing its patented invention, including the right to bring this action for injunctive relief, an accounting and damages.

COUNT 1

INFRINGEMENT OF U.S. PATENT NO. 7,468,073

23. Medtronic hereby restates and re-alleges the allegations set forth in paragraphs 1 through 22 and incorporates them by reference.

24. Upon information and belief, Defendant Edwards has been and is making, selling, offering for sale or otherwise distributing in the District of Minnesota and

elsewhere within the United States devices that directly or indirectly infringe, either literally or under the Doctrine of Equivalents, one or more claims of the '073 Patent. Such devices include, but are not limited to, the Magna and Magna Ease Aortic Valves.

25. Defendant Edwards' actions constitute infringement under 35 U.S.C. § 271.

26. Edwards' foregoing infringement has been willful, warranting a finding that this case is an exceptional case pursuant to 35 U.S.C. § 285.

27. Upon information and belief, the unlawful infringing activities by Defendant Edwards are continuing and will continue unless enjoined by this Court.

28. As a result of the infringing acts herein described, Medtronic has sustained damages and will continue to sustain damages in the future, including irreparable harm, unless Defendant Edwards is enjoined from infringing said patent.

COUNT II

INFRINGEMENT OF U.S. PATENT NO. 7,503,929

29. Medtronic hereby restates and re-alleges the allegations set forth in paragraphs 1 through 22 and incorporates them by reference.

30. Upon information and belief, Defendant Edwards has been and is making, selling, offering for sale or otherwise distributing in the District of Minnesota and elsewhere within the United States devices that directly or indirectly infringe, either literally or under the Doctrine of Equivalents, one or more claims of the '929 Patent. Such devices include, but are not limited to, the Perimount Mitral Valve in conjunction with the Tricentrix Holder.

31. Defendant Edwards' actions constitute infringement under 35 U.S.C. § 271.

32. Edwards' foregoing infringement has been willful, warranting a finding that this case is an exceptional case pursuant to 35 U.S.C. § 285.

33. Upon information and belief, the unlawful infringing activities by Defendant Edwards are continuing and will continue unless enjoined by this Court.

34. As a result of the infringing acts herein described, Medtronic has sustained damages and will continue to sustain damages in the future, including irreparable harm, unless Defendant Edwards is enjoined from infringing said patent.

COUNT III

INFRINGEMENT OF U.S. PATENT NO. 6,004,330

35. Medtronic hereby restates and re-alleges the allegations set forth in paragraphs 1 through 22 and incorporates them by reference.

36. Upon information and belief, Defendant Edwards has been and is making, selling, offering for sale or otherwise distributing in the District of Minnesota and elsewhere within the United States devices that directly or indirectly infringe, either literally or under the Doctrine of Equivalents, one or more claims of the '330 Patent. Such devices include, but are not limited to, the EMBOL-X Glide Protection System.

37. Defendant Edwards' actions constitute infringement under 35 U.S.C. § 271.

38. Upon information and belief, the unlawful infringing activities by Defendant Edwards are continuing and will continue unless enjoined by this Court.

39. As a result of the infringing acts herein described, Medtronic has sustained damages and will continue to sustain damages in the future, including irreparable harm, unless Defendant Edwards is enjoined from infringing said patent.

COUNT IV

INFRINGEMENT OF U.S. PATENT NO. RE42,395

40. Medtronic hereby restates and re-alleges the allegations set forth in paragraphs 1 through 22 and incorporates them by reference.

41. Upon information and belief, Defendant Edwards has been and is making, selling, offering for sale or otherwise distributing in the District of Minnesota and elsewhere within the United States devices that directly or indirectly infringe, either literally or under the Doctrine of Equivalents, one or more claims of the '395 Patent. Such devices include, but are not limited to, the Perimount Mitral Valve in conjunction with the Tricentrix Holder.

42. Defendant Edwards' actions constitute infringement under 35 U.S.C. § 271.

43. Upon information and belief, the unlawful infringing activities by Defendant Edwards are continuing and will continue unless enjoined by this Court.

44. As a result of the infringing acts herein described, Medtronic has sustained damages and will continue to sustain damages in the future, including irreparable harm, unless Defendant Edwards is enjoined from infringing said patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for entry of a judgment against Defendants as follows:

a. That Defendants have infringed, either literally or under the Doctrine of Equivalents, one or more claims of the '073, '929, '330 and/or '395 Patents;

b. That Defendants' infringement of the '073 and '929 Patents has been willful and trebling the award of damages;

c. That Defendants, and their respective agents, servants, officers, directors, employees and all persons acting in concert with them, directly or indirectly, be permanently enjoined from infringing the '073, '929, '330 and '395 Patents;

d. That Defendants account for and pay to Plaintiff damages adequate to compensate them for Defendants' infringement, in an amount to be proven at trial, together with interest and costs as fixed by the Court;

e. Declaring that this case is exceptional and awarding Plaintiff its costs and attorneys' fees in accordance with 35 U.S.C. § 285; and

f. That Plaintiffs be awarded such other and further relief as the Court may deem just and equitable.

JURY DEMAND

Plaintiffs hereby demands a trial by jury on all issues triable by a jury.

Dated: June 24, 2011

Respectfully submitted,

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.



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